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REMARKS

Claims 87 and 96 are objected to for the reasons noted in the official action. The above requested claim amendments are believed to overcome all of the raised objections concerning this case. The Applicant apologizes for the oversight with respect to the amended claims in the previous response.

Next, claims 87-95 and 97-99 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. Rejected claim 87 is accordingly amended, by the above claim amendments, both to correct that lack of antecedent basis for "the cell-formation process" and to provide clarification for the "after completion of the cell-formation process" terminology. It is respectfully submitted that all of the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

In view of the above amendment to independent claim 96, it is respectfully submitted that claim 96 is now allowable. As claims 114-123 all depend, either directly or indirectly, from independent claim 96, it is respectfully submitted that all of those dependent claims are now likewise allowable for at least the same reasons that claim 96 is allowable.

With respect to the rejection, under 35 U.S.C. § 103(a), in view of Bader '282, the Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

Claims independent 87 and dependent claims 88 - 90, 92 and 94 are apparently the only claims which appear to be rejected in view of Bader '282. The Applicant notes that the raised rejection does not appear to be based upon a lack of inventive merit between the presently claimed invention and the applied prior art reference of Bader '282—as witnessed by the indicated allowability of independent claim 96 over the Bader '282 reference—but apparently upon the position of the Examiner that the independent claim 87 and dependent claims 88 - 90,

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92 and 94 do not clearly recite those patently distinctions so that such claims adequately distinguish the presently claimed invention over the applied art of Bader `282.

In light of the above, Independent claim 87 is suitably amended to incorporate the distinctions pointed out by the Examiner in the official action. As a result of such amendments, it is respectfully submitted that the raised rejection of independent 87, as well as dependent claims 88 - 90, 92 and 94, in view of Bader `282, should be withdrawn at this time.

In light of the believed allowability of independent claim 87, the Applicant respectfully requests reinstatement of dependent claims 100 - 106 which each ultimately depend from independent claim 87. In addition, in order to advance prosecution, apparatus claims 108 - 112 are canceled, without prejudice, from this application. Notwithstanding such cancellation, the Applicant reserves the right to file a divisional application with respect to the subject matter of canceled apparatus claims 108 - 112.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Bader `282 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

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The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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